

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:
NIXON, Amy C.
SSN: xxx-xx-8337

Debtor

Chapter 13
Case No. 09-19877-FJB

TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

Now comes Carolyn Bankowski, Standing Chapter 13 Trustee ("Trustee"), and respectfully objects to confirmation of the Debtor's Chapter 13 Plan, (the "Plan"), and for reasons says as follows:

1. On November 23, 2009, the Trustee convened the §341 meeting of creditors at which the Debtor was present with counsel.
2. On November 20, 2009, the Debtor filed a Chapter 13 Plan.
3. According to the B22C Form, the Debtor has \$133.36 available each month towards unsecured claims, which would provide for a total of \$8,001.60 to be paid towards general unsecured claims. However, the Debtor's Plan only proposes to pay the sum of \$1,005.00 towards the general unsecured claims. If the Debtor was to devote all projected disposable income for a period of 60 months, the dividend to the holders of general unsecured claims would greatly increase.
4. The Debtor's proposed plan cannot be confirmed, as the Plan does not meet the best efforts test of 11 U.S.C. §1325 (b)(1)(B).

WHEREFORE, the Trustee requests that the Court sustain the objection to confirmation and grant such other relief as is proper.

Dated: December 17, 2009

Respectfully submitted,

By: /s/ Carolyn Bankowski
Carolyn Bankowski, BBO#631056
Patricia A. Remer, BBO#639594
Standing Chapter 13 Trustee
Office of the Chapter 13 Trustee
PO Box 8250
Boston, MA 02114
(617) 723-1313
13trustee@ch13boston.com

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Certificate of Service

The undersigned hereby certifies that a copy of the Trustee's Objection to Confirmation of Debtor's Chapter 13 Plan was served via first class mail, postage prepaid or by electronic notice on the Debtor and Debtor's counsel at the addresses set forth below.

Amy Nixon
35 Maitland Avenue, #2
Randolph, MA 02368

Richard Rogerson, Esq.
11 Beacon Street, Ste 625
Boston, MA 02108

Date: December 17, 2009

/s/ Carolyn Bankowski